



Docket No: AM101252
Patent

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re of Application of: Eric J. BENJAMIN, Reinhardt B. BAUDY & Michael R. BRANDT
Application No.: 10/820,215 Group Art No.: 1614
Filed: April 7, 2004 Examiner:
For: Pharmaceutical Compositions for Intranasal Administration of [2-(8,9-Dioxo-2,6-Diazabicyclo[5.2.0]Non-1(7)-en-2-yl)Alkyl]Phosphonic Acid and Derivatives and Methods of Use Thereof
Confirmation No.: 7245
Customer Number: 25291

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Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statements

In accordance with 37 CFR 1.97 and 1.98, Applicants submit herewith patents, publications, or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR 1.56. This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) the information is material to the examination of this application; (iii) additional information material to the examination of this application does not exist; (iv) the information, protocols, results and the like reported by third parties are accurate or enabling; or (v) the information constitutes prior art to the subject invention.

CERTIFICATE OF MAILING 37 CFR §1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EU733072534US addressed to Mail Stop Missing Parts, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

August 23, 2004
Date

Paula L. Dickey
Paula L. Dickey

2. Identification of Time of Filing

This Information Disclosure Statement

- a. is filed within three months of the filing date of the application.
- b. is filed before the mailing date of a first Office Action on the merits.
- c. is filed before the mailing date of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.
- d. is filed after the period specified in 2(a), 2(b) or 2(c) above, but before the mailing date of a final action under 37 CFR 1.311. This statement includes a certification under 37 CFR 1.97(e) or the fee set forth in 37 CFR 1.17(p).
- e. is filed after the mailing date of a final action or Notice of Allowance but before payment of the issue fee. This statement includes (i) a certification under 37 CFR 1.97(e), and (ii) the fee set forth in 37 CFR 1.17(p).

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The undersigned attorney certifies

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Newly Cited Information

A legible copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed, except that if this patent application was filed or entered the national stage after June 30, 2003, no copy of a U.S. patent or U.S. patent application publication is enclosed.

Previously Cited Information

No copy of the patents, publications or other information cited on the attached form PTO-1449 is enclosed because it has been previously cited by or submitted to the Office in a prior application which is relied upon for an earlier filing date under 35 USC 120.

Prior application is Application Number , filed on of for

Concise Explanation
Documents cited above which are not in the English Language

a. have been explained in the specification.

b. have an abstract (or other concise explanation) in English enclosed or if readily available a translation into English of the document is enclosed.

Form PTO-1449 is enclosed in duplicate.

Fees
 Fee for filing under 37 CFR 1.97(c) or (d) Fee: \$180.00

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)



Complete if Known

Application Number	10/820,215
Filing Date	April 7, 2004
First Named Inventor	BENJAMIN et al.
Group Art Unit	1614
Examiner Name	
Attorney Docket Number	AM101252

Sheet

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U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number (If known)	Kind Code (If Known)			
1.	10/820,216			Reinhardt B. Baudy et al.	Not Published	
2.	2004/0082543	A1		Raymond Y. Cheung	04-29-2004	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	Number	Kind Code (If Known)				
3.	WO	2004/039371		A2	Pharmacia Corporation	05-13-2001		<input type="checkbox"/>

OTHER PRIOR ART — NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.			T
		Office	Number	Kind Code (If Known)	
4.	ROGERS, Kathryn, Wyeth-Perzinfotel (EAA-090) NMDA Antagonist for the Treatment of Diabetic Neuropathy, 47 pages, presented on June 9, 2004 at the SMI Pain Conference, London, England.				<input type="checkbox"/>

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.